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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/784,296	02/14/2001	Michael R. Miller	150-123CIP05	2222

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EXAMINER

JACOBS, LASHONDA T

ART UNIT	PAPER NUMBER
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2157

DATE MAILED: 08/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/784,296

Applicant(s)

MILLER ET AL.

Examiner

LaShonda T Jacobs

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 February 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-3, 5-9, 11-15 and 17-18 rejected under 35 U.S.C. 102(e) as being anticipated by Dejaeger et al (hereinafter, "Dejaeger", US 6,456,981).

As per claims 1, 7 and 13, Dejaeger discloses a method, computer program product and system for alerting a user to a promotional offer for a product, comprising the steps of:

- (a) receiving a representation of a bar code from a user, wherein the representation of the bar code is associated with a product (col. 3, lines 51-65 and col. 4, lines 18-29).
- (b) generating a relationship between the user and the product (col. 6, lines 47-53 and col. 8, lines 30-45);
- (c) storing the relationship between the user and the product in a database (col. 6, lines 47-53 and col. 8, lines 30-45);
- (d) performing a search for matching a promotional offer to the product (col. 7, lines 20-43 and col. 8, lines 52-60); and
- (e) outputting the promotional offer to the user based on the relationship of the user with the product (col. 8, lines 52-60).

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However, Dejaeger does not explicitly disclose:

As per claims 2, 8 and 14, Dejaeger discloses:

- wherein the promotional offer is selected based on criteria input by the user (col. 7, lines 20-43 and col. 8, lines 52-60).

As per claims 3, 9 and 15, Dejaeger discloses wherein the criteria is selected from a group consisting of:

- a price of the product, a location of the vendor of the product, a date, a time, wrapping of the product, shipment of the product and ability to pick up the product (col. 5, lines 61-67, col. 6, lines 1-9 and lines 19-43).

As per claims 5, 11 and 17, Dejaeger discloses:

- wherein the content relating to the product is also output to the user (col. 9, lines 33-41 and col. 10, lines 26-35).

As per claims 6, 12 and 18, Dejaeger discloses:

- wherein the promotion offer is output to a client device of the user (col. 8, lines 52-60 and col. 10, lines 39); and
- wherein the client device is selected from the group consisting of: a personal computer, a scanner, a portable computing device, a telephone, a pager and a facsimile machine (col. 3, lines 51-65 and col. 4, lines 18-29).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4, 10 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dejaeger in view of Hudetz et al (hereinafter, "Hudetz", 5,978,773).

As per claims 4, 10 and 16, Dejaeger discloses the invention substantially as claims discussed above.

However, Dejaeger does not explicitly disclose:

- wherein the promotional offer is output to a web page of a network data site, wherein the user accesses the web page for viewing the promotional offer.

In an analogous art, Hudetz discloses a system and method for using identification codes found on ordinary articles of commerce to access remote computers on a network including:

- wherein the promotional offer is output to a web page of a network data site, wherein the user accesses the web page for viewing the promotional offer (col. 7, lines 17-28, lines 60-67, col. 8, lines 1-10 and lines 47-63).

Given the teaching of Hudetz, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate or implement a vendor's URL link to a product in order retrieve information about the product in a timely and efficient manner.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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U.S. Pat. No. 5,924,078 to Naftzger

U.S. Pat. No. 6,098,106 to Philyaw

U.S. Pat. No. 5,791,991 to Small


Any inquiry concerning this communication or earlier communications from the examiner should be directed to LaShonda T Jacobs whose telephone number is 703-305-7494. The examiner can normally be reached on 8:30 A.M.-5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 703-308-7562. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LaShonda T Jacobs
Examiner
Art Unit 2157

ltj
August 18, 2004


SALEH NAJJAR
PRIMARY EXAMINER